

REMARKS

Claims 1-7 and 15-17 are pending in the present application. Claims 1-7 and 15-18 are rejected under 35 USC 103(a) as being unpatentable over Ayres et al (US 6,404,333).

Claims 1-7

Claims 1-16 were rejected under 35 USC 103(a) as being unpatentable over Ayres et al (US 6,404,333). This office action incorporates by reference the arguments presented by the Applicant in the previous responses.

The Examiner has responded to the Applicant's prior arguments. The Applicant would like to address these comments. The Examiner asserts that Ayres teaches the back plate, mask, and dial made into one instrument cluster by a different process. The Examiner states that the burden shifts to the applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product.

The Applicant respectfully has done so in the last office action and therefore traverses this rejection. The Applicant notes that column 5, lines 38-41 of the Ayres reference do NOT teach molding the back plate, mask, and dial into a single molded element. Rather Ayres teaches molding the dial and housing (clearly not defined within the Ayres reference as including the mask - since the mask is separately described and illustrated by reference 44). The Applicant notes that in addition to Ayres NOT teaching molding these separate elements into one piece, Ayres does NOT teach molding them into ONE piece using TWO materials (the dial being a second material than the mask). As a matter of fact, the col 5, lines 38-41 teach forming the two (not three) referenced parts from "the same clear material" that can then "be painted black if desired". The present invention, however, claims different materials molded into a single piece. Thus, the present invention can be molded with different colored pieces and thereby avoid the necessity of being painted. Additionally, the multi-material molded arrangement of the present invention permits such multi-material usage without warping by molding the backplate and mask into a single component (of one material) and injection molding the dial onto this piece (with second material). This generates a solid - one piece item - of two materials (not taught by Ayres) that is not assembled (but rather molded together). This piece has structural differences that clearly separate it from an assembled instrument cluster. An assembled instrument cluster as taught by Ayres must have affixing methods to joint individual parts. These affixing methods

are subject to tolerances and stresses in the automotive environment that can lead to noises and failure. In order for the claimed solid molded piece to suffer from such similar ailments, the physical structure of the material must break down. This is clear and convincing evidence of an unobvious difference.

The argument that appears to be presented that since Ayres molds two elements together, it would be obvious to mold any number together. This reasoning is misplaced for several reasons. It ignores that the material properties of the backplate and mask are often desired to be different than that of the dial (typically clear). It further ignores that molding with multi-materials commonly must be done in steps to prevent intermixing of the materials (something Ayres does not discuss since its passing reference to molding two of the pieces as one discusses molding them from "the same clear material"). Finally, it ignores, as described in the present application, the problems associated with melting the first piece while molding the second piece into the first. A physical structure made along Ayres instructions therefore, is NOT the physical equivalent of the one claimed by the present invention. No support is properly presented that renders the unique multi-material/solid molded instrument cluster claimed by the present invention obvious.

Claims 15-18 were rejected under 35 USC 103(a)

Even more significantly, improper support for an obviousness rejection has been provided for claims 15-18. The office action appears to rely on the fact that injection molding is known and therefore it would have been obvious to use injection molding to form an instrument cluster such as Ayres. The Applicant strenuously objects to this reasoning. The present invention does not claim simply an instrument cluster formed by injection molding. As stated in the Application itself, the problem solved by the present invention was the warping of the cluster when multi-shot injection molding steps were utilized. The present invention provides a unique method of preventing such warpage by injection molding combinations of traditional elements together to provide structural rigidity and then subsequently using a second shot of injection molding to apply a dial. This is not taught, referenced, or discussed by the Ayres reference. The Ayres reference (which neither teaches a solid molded Mask/Backplate/dial combination NOR the use of multi-material molding combinations) cannot be combined with judicial notice of the existence of injection molding to render the claims obvious. To do so fails to address the

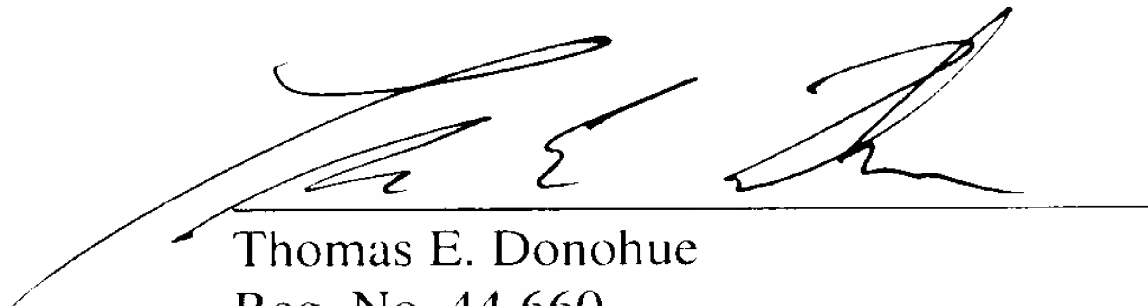
problems the present invention was clearly stated to solve. The Applicant, therefore, respectfully requests reconsideration.

CONCLUSION

The Applicant would like to thank the Examiner for his assistance. Applicant submits that all objections and rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited.

Should the Examiner have any questions or comments that would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. E. Donohue', is written over a horizontal line.

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